

**THE FAYETTE COUNTY PLANNING COMMISSION** met on November 17, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Brian Haren  
John H. Culbreth Sr.  
Arnold L. Martin, III, Vice-Chairman  
Al Gilbert

**STAFF PRESENT:** Dennis Dutton, Zoning Administrator  
Chanelle Blaine, Planning and Zoning Coordinator

**Welcome and Call to Order:**

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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**1. Consideration of the Minutes of the Meeting held on November 3, 2016.**

Al Gilbert made a motion to approve the minutes. Motion seconded by John Culbreth. The motion to approve the minutes was 5-0.

**2. Considerations of a Preliminary Plat for Atkins Place Subdivision. The property is located in Land Lot 108 of the 5<sup>th</sup> District.**

Chairman Graw stated that Pete told him this is the third time the preliminary plat has come up.

Dennis Dutton stated that the last time this preliminary plat came up was in 2010. He said this is a similar plan and nothing has changed. He added that it is the same amount of lot sizes and that the only reason it's coming through is because it expires after 24 months.

Chairman Graw asked how many lots were in the subdivision.

Dennis Dutton replied 38 lots.

Chairman Graw stated that this is not a public meeting on the preliminary plat. He asked if anyone would like to talk to the technical aspect of the preliminary plat.

Richard Ferry, developer representative, stated that they will correct the minor technical difficulty on the preliminary plat. He said that it is a small subdivision with 38 lots on 46.81 acres and is off of County Line Road. He added that the subdivision would be on County water and on septic. He stated that they had the soils check and they are all marginal but usable. He said that the zoning is R-20 and calls for one (1) acre minimum lots and that is what we are proposing. He added that

there will be no change to the proposal.

Chairman Graw asked if the lots perc.

Richard Ferry replied that the perc test will be done per Environmental Health standards. He said that the soils are correct for perking but they haven't checked each lot.

Chairman Graw asked the Planning Commission if there were any questions or comments.

John Culbreth asked what space you have for the community areas.

Richard Ferry replied that this subdivision does not have any community areas. He asked if he was referring to amenity areas and things like that.

John Culbreth replied yes.

Richard Ferry replied there are none.

John Culbreth asked if there would be a clubhouse or a pool.

Richard Ferry replied that there were none.

Brian Haren made a motion to approve the Preliminary Plat for Atkins Place Subdivision. Motion seconded by Al Gilbert. The motion to approve the minutes was 5-0.

### **3. Discussion of PUD.**

Pete Frisina stated he is putting this into the PUD format. He stated that he has two (2) names and doesn't like either one (1). He asked if they could come up with something better to let him know. He reiterated that he took the notes from last meeting and put them in form for what the PUD ordinance would be. He added that he received suggestions from Michael and Judy after sending an email out to them. He read the intent and residential uses of the PUD:

- (1) Purpose. The intent of a planned \_\_\_\_ development is to allow mixed-use development with principal single-family residential and incidental business uses. The characteristics of a P\_\_D are: in conjunction with a principal residence business owner-occupant conducts on-site business operations, clients/customers visit the site, shipments of goods and deliveries occur, and non-occupant employees will be on site.
- (2) Permitted residential uses. Planned \_\_\_\_ development shall contain single-family dwellings and residential accessory buildings and uses shall also be allowed per article III of this chapter.

He stated that since they don't know what types of businesses they want to do, he took the verbiage out of the ordinance they used for the small business PUD's (Storage Xtra). He said when you come in you for your PUD you get the businesses you think will be there, and we approve that list. He added that if you come back a year from now saying here's a business we didn't think about; he

said that there will be a public hearing that will amend the summary of intent to add that business. He stated that right now he doesn't have a good feel for what business we need to have. He asked what the Planning Commission thought.

Arnold Martin asked if someone came in with a list stating these are the projected businesses we see going in there, but for some reason it doesn't work out and they move a tenant in there that doesn't meet that. He asked how do we control that from happening.

Pete Frisina replied that it wouldn't happen because we have to have an occupational tax. He stated that we would catch it when it happens, because when you're moving a business into a County space you have to apply for an occupational tax, and it goes through staff review.

Arnold Martin stated that he just wanted to make sure we have some sort of controls.

Chairman Graw stated that because it's a PUD and we're not sure on the uses, we will look at the letter of intent when it comes in. He said that because it's a PUD the Planning Commissioners and the Board of Commissioners can say we reject that use or we accept that use.

Pete Frisina stated that is the same verbiage we used for the small business center we came up with. He said that he added that any business listed as conditional use will have to meet in addition those conditions under conditional use whatever that may be. He read the proposed PUD ordinance:

- b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
- c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development.

Debbie Lowe asked if the perimeter of the two (2) outside lots decided not to have a business there but just a residence could that be waived for them.

Pete Frisina replied no, it's a development that is supposed to contain business and residential. He said that will go around the perimeter of the development which will be the 75 acres.

Chairman Graw asked Pete Frisina if he had a copy of what was sent to us. He asked if everyone received a copy of the letter that was sent by Judy and Michael Howell.

Debbie Lowe said that it was tentative and that the next step is to get a surveyor to see if the conditions are going to work on this property because I personally don't think they are going to get five (5) lots, I think they are only going to get four (4).

Arnold Martin asked why you feel that way.

Debbie Lowe replied if you put five (5) lots in there, they're going to be fairly narrow.

Dennis Womack stated that they're going to have 200 feet of frontage and only 400 feet in the back.

Debbie Lowe stated that to regain the privacy they want to get out of this, I think five (5) is going to make it too narrow. She said that we will just have to see and get a surveyor draw it out and see what will work best. She added that the worst thing you can do is try and jam too much in there, and then have nobody wanting to go for it.

**Michael Howell** stated that even with the five (5) lots with the 100 foot buffer on the sides its really going to push those outside lots. He said on the one (1) side it's 74 and commercial and on the other side it's a watershed.

Pete Frisina stated that the north end is all subdivision. He said that this lot is driving what we're doing but once we put it in it applies for the whole County.

Chairman Graw stated that this 75-80 acre development will have four (4) maybe (5) lots. He asked if we are saying in the PUD that all lots have to meet the PUD and the usages, or can some be sold as residential without meeting the PUD.

Pete Frisina replied anything in the PUD has to meet the PUD whatever the requirements are in the PUD.

Chairman Graw asked about the meeting the uses.

Pete Frisina replied yes.

**Brian Haren asked if an onsite business a may....**

Pete Frisina replied that it's not required. He stated that you are setting up this development to have that scenario.

Brian Haren asked if people can purchase lots and not run businesses off of them and just have a residence.

Pete Frisina replied that we are not forcing them to run one (1).

Chairman Graw asked if one (1) or two (2) of these lots cannot be sold as pure residential.

Pete Frisina replied all the lots in the PUD can do what the PUD allows.

Brian Haren asked again if they have to have a business.

Pete Frisina replied no, it's incidental to the principle use which is residential. He stated that we are

looking at lot sizes of 15 acres. He said that the minimum lot size was pulled from the A-R lot. He added that under (f) minimum house size is not needed, and the developer should set that. He stated that “we” make a decision on the house size.

Debbie Lowe replied that would be great.

Al Gilbert asked about the limit on the height of the structure.

Pete Frisina replied that we haven’t gotten to that part of the discussion.

Chairman Graw asked about the minimum house size.

Pete Frisina replied let’s give the developer the flexibility to set it.

Chairman Graw asked if there were minimum house sizes on the Zach Brown PUD.

Pete Frisina replied that it was tied to A-R so it will be 1200.

Chairman Graw asked if we could say the same thing here.

Pete Frisina replied that he didn’t care.

Arnold Martin asked what the advantage to that was.

Pete Frisina stated that we can say it meets A-R. He asked if we were going with all the other A-R aspects of it or just the house size.

Chairman Graw replied just the house size.

Pete Frisina stated that Camp Southern Ground those lots get all A-R uses and everything. He asked if they wanted to set the minimum house size or make a decision when the PUD comes.

Chairman Graw asked if someone comes in and buys Lot 1 and builds a 1200 square foot house on it. He stated that it would be inconsistent with the rest of the housing.

Pete Frisina replied that we are not going to set a house size. He stated we are going to let the PUD pick the minimum house size.

Chairman Graw asked what he meant by the PUD picking the minimum house size.

Pete Frisina replied that they will bring it in and say this is the house size we proposed for the PUD, whatever that may be.

Chairman Graw asked if it was for the lot or the entire development.

Pete Frisina replied for the entire development.

Arnold Martin asked if they would come in projecting that the house size would be 3000 square feet. He asked if that is what it will be for the development.

Pete Frisina replied yes.

Arnold Martin stated there will be no differentiation of one (1) person with a 1200 square foot home and a 3000 square foot home because they're setting it as soon as they have the application.

Chairman Graw asked who makes that determination.

Pete Frisina stated that it will be a part of the summary of intent.

Chairman Graw asked who would present it.

Pete Frisina replied the developer. He said they would suggest their house size and the Planning Commission would have to approve it.

Chairman Graw asked if it was for the whole PUD or just one (1) lot.

Pete Frisina replied the whole PUD. He said that it has to be consistent for each lot.

John Culbreth stated that he had no problem with the concept. He said that it gives them the opportunity to review the PUD prior to approval.

Al Gilbert stated that what concerns him is the legalistic part of this; what if he has to go before a judge and he asked why they turned down the 2000 square foot home and he replies that we didn't like it. He said that if we have it in writing what the minimum square footage is he would feel more comfortable defending it.

Pete Frisina stated that we will not turn down the PUD because of the house size. He said that we can approve the PUD on whatever we see as sufficient. He added that in the PRD's we didn't set the size they set it when they came in.

Chairman Graw asked what if a person says they don't like our recommendation and wants to do something else.

Pete Frisina replied that you make the recommendation and the Board of Commissioners make the decision. He stated that if someone comes in and says they want to build 500 square foot homes we will probably say that is too small. He added that they would say that we need it to be at least x.

Arnold Martin stated that if its really small you will also question the intent; it may be a way for them to circumvent what is really intended in that scenario.



Pete Frisina stated that all of our Planned Residential Developments do not have a minimum house size set in the ordinance. He reiterated that it is set by the PUD and we make a decision on whether or not we like the house size. He stated that he doesn't think we would turn the PUD down based on the house size.

Chairman Graw stated that he would like to see a minimum house size and it would make him feel much more comfortable. He said that they did it with the Zach Brown making it equivalent to the A-R, and there is no reason why we couldn't put a minimum in here making it equivalent to the A-R. He added that when you are talking these types of lots and the amount of money it would take to build these you're not going to put in 1500 square foot houses.

Pete Frisina asked if Chairman Graw wanted the same as A-R.

Chairman Graw stated that he didn't have a problem with it being A-R.

Brian Haren stated that he doesn't see anybody building anything smaller than that. He said that if you want to establish at least a legal minimum of 1200 so at least it's consistent with A-R.

Debbie Lowe stated that they don't have a problem with that.

Chairman Graw stated that as long as it is consistent with A-R he had no problems and would honor it. He added we at least have a minimum house size.

Al Gilbert stated that with it being a PUD we can always say we want it bigger than that.

Pete Frisina stated that when you set a minimum you are basically saying that is what you want.

Arnold Martin stated what he hears is that I minimally have to build a home 1200 square feet or larger.

Pete Frisina asked if you set 1200, then what would be your basis for saying you want 2000.

Arnold Martin asked if he meant in terms of review; coming back to them saying 1200 is not going to be enough.

Chairman Graw stated that it is all opinion.

Al Gilbert stated that depending on what area they go in you will have comparable houses in that area that will say homes in this area are 2000 square feet and 1200 is not going to fit in.

Pete Frisina stated that is a dangerous thing. He said it is one thing to mess with zoning it's another thing to mess with house size it's a slippery slope.

Arnold Martin stated that if an appraisal was done on this an appraiser can only go out and compare this to another PUD, because it is completely none conforming. He said that you wouldn't compare

this to another 1200 square foot home down the road, because this is a completely different scenario. He added that this is a mix use on the PUD versus a tract that has 40 houses on it at 1200 square feet. He stated that there was no way any appraiser would go in there and use those as comps. He reiterated that they are completely different.

Pete Frisina stated once this thing is completed he would like to see an appraiser find a comp.

Chairman Graw stated that what we are trying to do is to maintain some type of consistency in case there are lawsuits. He said that you can at least point to this over here on why you established this minimum square footage and not that.

Pete Frisina reiterated that under the Planned Residential Development we do not set a minimum house size.

Brian Haren stated so there is a precedent.

Pete Frisina stated under the Planned Retreat and Lodge he doesn't think we set a minimum house size there. He said under the summary of intent we said that it had to meet all the A-R dimensional requirements for the residential lodge.

Chairman Graw stated that it would have been 1200.

Arnold Martin suggested to Chairman Graw that they put it to a vote.

Chairman Graw asked if Arnold Martin was in favor of a minimum square footage or not.

Arnold Martin replied based upon what has been brought out about the legal standpoint he sees the point; other areas do have some sort of minimum and sees how A-R can be the base. He stated that he always thinks in the mindset of people looking at something as a minimum and not necessarily following that. He said that Pete said once you establish a minimum overall that's usually the standard.

Chairman Graw stated that if you said A-R would be the base that you work from.

Pete Frisina stated that he wouldn't say A-R he would just say 1200. He said that the other PUD's that are residential it is part of the summary of intent; you do have the ability to look at it and say it is a good idea or not and make a recommendation to the Board of Commissioners and they will make a decision on whether or not they think it's too small too big or whatever.

Arnold Martin asked based on history has any of this ever been contested in court.

Pete Frisina replied no. He stated that when a PUD comes through nobody has a house size that anyone has a problem with.

Al Gilbert agreed and said that all the PUD's we approved have had good size homes.



Chairman Graw stated that he doesn't think he has seen anything 1200 square foot nowadays.

Pete Frisina stated that he thinks the issue we are dealing with is according to the email some homes in there that are 1300 square feet.

Dennis Womack stated that the preexisting home out there is about 1600 square feet.

Pete Frisina asked how many homes are out there right now.

Dennis Womack replied one (1). He stated that there is an old home place that was my wife's father's house.

Pete Frisina asked if that was going to be kept.

Debbie Lowe replied that it may be kept and that is another discussion.

Pete Frisina asked if that was the 1300.

Debbie Lowe replied yes. She stated that the structures that are on there they would like to have grandfathered. She said that they're house is a very nice house but the old farm house is definitely able to be rehabbed.

Chairman Graw asked Debbie Lowe if she would be okay with the minimum house size of 1200 square feet.

Debbie Lowe replied yes.

Pete Frisina suggested under the summary of intent makes some provisions for the existing homes but a different provision for the new home.

Al Gilbert agreed with that.

Pete Frisina stated that he copied that from the last summary of intent for the one (1) out on Ebenezer. He said they should leave it open and let them provide it and will make a decision on it. He reiterated let the developer propose a number and they would work on it from there. He continues to read from the proposed ordinance:

- g. Front yard setback: 75 feet
- h. Side yard setback: 50 feet (except where the 100 foot buffer is applicable).
- i. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable).  
Height limit: 35 feet.
- j. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- k. The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.

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- l. Including the owner/occupants, no more than five (5) persons shall be employed on-site by a business.
- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed.
- n. All vehicles associated with the business must be parked in the rear yard only.

Chairman Graw asked if the lots were going to be sold to other people. He stated that he saw the trucks sitting out on the field in the email and was concerned about those trucks being on their property. He said that it would affect the people that will be living next door to him. He added that their job is to protect everybody. He asked how they can assure them that they want have these big rigs parked outside affecting other residents in the area.

Michael Howell replied that what Chairman Graw saw were gooseneck and are no bigger than a horse trailer. He stated that the plan was for his brother to buy two (2) lots and he and his wife were going to buy two (2) lots. He added they're really just talking about one (1) or two (2) extra lots; that they would be finding someone in their same situation that would be willing to live there. He stated that he doesn't see the trucks as a problem and it's no more than a horse trailer.

Chairman Graw stated that there was a semi-tractor trailer parked on the property.

Michael Howell replied that there might have been and then said there wouldn't have been one there. He stated that most people in his line of work would just by a farm and operate it and they would never know.

Pete Frisina replied oh we would find out.

Michael Howell stated that they were trying to do it the right way, and are no different than a farmer or a tree guy. He said they have equipment and they really just need a place to keep it and work on it. He added that the trucks would be inside or behind the building. He stated that the gooseneck trailers are 20 to 30 feet long.

Chairman Graw stated that he has no problem with gooseneck trailers. He asked what he saw in the picture.

Michael Howell stated that he thinks he saw one (1) of the gooseneck trailers.

Brian Haren stated that this is a PUD and if you're going to buy a lot in the PUD you're going to know what the intended and allowed uses are. He said you take your risk and you're going into that because you want to do the same thing that these folks are doing. He added and if someone wants to park the occasional semi on their 15 acres that's okay as long as it is an allowed activity.

Arnold Martin asked about the amount of on-site employees and whether the number three (3) was an arbitrary number. He stated that when you have that amount of acreage you usually have many people on site taking care of the property.

Brian Haren asked if that was three (3) non-residential employees.

Pete Frisina replied three (3) non-occupants.

Arnold Martin stated that if we're talking about 15 acres that's a good amount of acreage. He said not only do you have the employees for the business but other people taking care of the property.

Brian Haren asked if the people taking care of the property are a service provider or direct employees of the business operation.

Arnold Martin stated that he has seen both; people who have a business and they have "ranch-hands" that maintain the property. He said that he was just wondering is that enough employees.

Pete Frisina replied that he found the number three (3) in another ordinance, and he said he doesn't know if three (3) is better than four (4), two (2), or seven (7). He stated that you got to start some place. He said that three is the minimum for occupational tax in the County; at three (3) you're at one (1) of the breaks 0-3. He added it just depends on how many people do we want coming out on a daily basis.

Brian Haren asked if they wanted to go five (5).

Arnold Martin agreed saying he was thinking five (5).

Pete Frisina read the proposed ordinance:

- m. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed.
- n. All vehicles associated with the business must be parked in the rear yard only.

He stated that O will have to be change, because they have the periphery buffer now. He said there are two O's in there and the last one (1) comes from our occupational tax dealing with customers in the home. He added that they talked about limiting the size of the buildings; if this was A-R property at 15 acres they're unlimited for agricultural. He stated that you could have as large or as many buildings as you wanted in A-R for agricultural purposes. He asked for suggestions.

Al Gilbert stated that a barn was one (1) thing but we are talking about business structures and it's a little different than a barn.

Pete Frisina stated that he thinks that it will look like one (1). He asked what the others thought.

Brian Haren replied that he had nothing to go on.

Arnold Martin replied he had nothing to gage it on, because if we say unlimited someone may

put this behemoth structure on there.

Dennis Dutton stated that anything over 10 acres than there is no limited on the number and the size.

Pete Frisina stated that between five (5) to 10 acres you're limited to 3600 square feet in agriculture.

Chairman Graw asked that once it hits 10 acres there is no limit on the size of the accessory structure.

Dennis Dutton replied that once you hit 10 there is no limit on the size and amount for farm buildings.

Pete Frisina stated that if you're trying to find a parallel; you can have a 15 acre property you could almost cover it up with greenhouses except for the setbacks.

Dennis Dutton stated that in A-R we have farm outbuildings and auxiliary buildings. He said that auxiliary buildings were basically farm outbuildings that weren't used for farming but were renovated for maybe their collector cars and we treat those the same way. He added that you could technically have an auxiliary building and a farm outbuilding over 10 acres.

Pete Frisina stated that you can ask them to set the limit in the PUD and make a determination based on that, and it will be a part of the summary of intent.

Brian Haren stated that he wouldn't know how to control that.

Pete Frisina stated that if you're on 15 acres; they're probably much wider than 250 feet so you're going to have externally a 100 foot buffer around the property and then internally a 50 foot setback off of each side line.

Brian Haren stated that should control it to some perspective.

Chairman Graw stated that you are forcing everything to the center of the lot. He said that by having the 100 foot buffer and the 50 foot yard side setback you are forcing everything down and in and behind the home.

Pete Frisina stated that we can say that we want the size set in the PUD.

Arnold Martin agreed and said that it will stay uniform with what we set for the residence.

Al Gilbert stated that down the road the type of neighborhood it goes in a huge structure may not fit even in 15 acres.

Pete Frisina stated that we may have to look at that location of the PUD and make that

determination.

Al Gilbert stated that he likes his recommendation of putting it in the intent.

Pete Frisina asked if they wanted to designate other areas in the County for this because he didn't get a good feel for it at the last meeting. He asked would they like for this to pop up down in Brooks.

Debbie Lowe stated that they are limiting themselves quite a bit by saying the proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.

Pete Frisina stated that is every big road in the County.

Debbie Lowe stated that the size of the tract is going to limited you drastically. She said there aren't that many real big tracts there are a few but not many. She added that you will find most of your large tract areas in Brooks or the Tyrone area.

Pete Frisina stated that there are scattered big lots around here even on Sandy Creek Road. He said that doesn't mean someone cant assemble two (2) or three (3) 20 acre tracts and put something together.

Chairman Graw stated that we haven't designated where other PUD's go we just look at them when they come in.

Pete Frisina stated that some of the PUD's have to be in A-R first. He said that takes them out of this area because there is nothing A-R.

Chairman Graw stated that he doesn't feel comfortable designated where to put these. He said that he doesn't think we did it for something else.

Pete Frisina replied yes we did; we did it for small business centers.

Chairman Graw stated that those are only on major thoroughfares.

Pete Frisina replied no, they can only be on three (3) highways 314, 85, and something else; but they can't be anywhere else in the County.

Chairman Graw stated that those are major thoroughfares.

Pete Frisina replied no; it's not tied to a major thoroughfare but three (3) roads.

Chairman Graw replied major roads but you're right. He stated that the business centers are tied to major commercial highways and he can see us doing that, but these are residential.

Arnold Martin stated that by tying it to a major thoroughfare it's already shaping where it can be without saying it. He said that there may be an opportunity for someone to put together to assemble, and based upon the definitions where these need to be off of, not every street in the County has that.

Pete Frisina stated that Davis Road is designated as a major thoroughfare based upon the Thoroughfare Plan, because that is going to be its function. He said the reason we do that is because when things come in, we want to get the right-of-way for a major thoroughfare as oppose to a local road.

Chairman Graw asked Pete Frisina where he thought they should be.

Pete Frisina replied he originally thought they should be in the northern part of the County as oppose to the southern part. He stated that he doesn't know where to draw the line.

Arnold Martin asked why that was.

Pete Frisina replied because it more rural and residential. He stated that he doesn't know if it sits well to have that kind of use. He added that he may be wrong and asked them to convince him otherwise.

Arnold Martin stated that 75 acres is already going to be in a rural setting whether north or south. He said that he would see the opportunity for both. He added that his only concern would be pushing this type of development in just a certain part of the County and that is it. He stated that he would like to be open and let the guidelines say where it can be placed.

Brian Haren stated that the way it is written now those can only be fronted on any of these roads currently highlighted.

Pete Frisina replied that anything that is thick and black is a major thoroughfare.

Brian Haren stated that it is going to be self-limiting.

Pete Frisina stated lets go with that then.

Brian Haren asked are we going to address the number of access roads you can have off these parcels.

Pete Frisina replied that each of these things are going to have there on individual driveways, because that is how it is set up. He said if someone wanted to develop one (1) with an internal street that would be find.

Brian Haren asked what if they said they don't want to use their principal residential use driveway to get their equipment in and out, but instead use another driveway.



Pete Frisina replied that they would have to get with the Road Department and see how they want to handle that. He stated that from the guidelines of the County every lot has to have a driveway except for some instances where there is bad site distance and you can share one (1) driveway cut between two (2) properties or to avoid some environmental impacts.

Brian Haren asked if you could have more than one (1).

Pete Frisina replied possibly. He stated that he would have to check with Public Works to see.

Arnold Martin asked if an alley or a main drive has ever been created for people that wanted access their properties from the rear as oppose to the main driveway.

Pete Frisina replied that its normally something that you don't see in residential property; in nonresidential property you see shared driveways and access and that sort of thing. He stated that we don't have any zoning that allows you to mix residential and business to scale we are talking about here. He said that is something that we would consider if they want to bring a plan in showing that.

Arnold Martin stated that it is something to think about, and that he has seen these in California. He said that the front is very residential and the back is agricultural or something else is going on back there; rather than going back through the residential property they have a road that runs behind it so there won't be any interference.

Pete Frisina replied that we can try and figure something out on that.

Brian Haren asked that any sceptic issues per the accessory structures will be related to the building itself.

Pete Frisina stated that Environmental Health will have to make the determination on what the capacity they need is and how it will respond. He said that he needs to look at separate drives and how many driveways can be put in there.

Judy Howell stated maybe you can look at how many feet the initial driveway can go before it can take a fork to send business around.

Pete Frisina stated that what he needs to do is see what we allow now and how do we vary from it. He said that 911 likes for every house to have a driveway, and that is something that I will need to discuss with them for emergency access purposes.

Dennis Dutton stated the Fire Department/Fire Marshal will have to address the additional building and whether or not to designate it A and B.

Pete Frisina agreed that these buildings will be looked by every department, because they are quasi commercial even though we are using them the same amount as residential they will be developed and regulated as a commercial building.

Arnold Martin asked about the specification for fire hydrants.

Pete Frisina replied that it will have to go through Fire Marshal review and building review; the codes required for business will be different than if it was just a garage or a storage room.

Chairman Graw asked if he was going to be leasing or selling the cameras.

Michael Howell replied that it's a rental.

Pete Frisina stated that we will come back next month and if they have any other suggestions to just call him.

#### **4. Discussion of Tourist Accommodations.**

Chairman Graw asked if there were any changes from the last time we spoke about this.

Pete Frisina replied yes. He stated that there were two (2) other code sections that he works on that they do not review the Hotel Motel code section and the Tourist Accommodations code section. He said that he has amended those and sent them to the County Attorney for review. He added that what he found is what they did here was totally inconsistent with what they done with one (1) ordinance code section and that code section was inconsistent with the other one (1). He stated that what they have here is a definition for an A-R Bed and Breakfast, a Bed and Breakfast Inn (without the A-R) which is allowed in the C-H and O-I zoning districts, Guestroom because we use that number with the rooms, and a definition of Hotel to kick Bed and Breakfast out. He said under C-H under permitted use; Hotel use to say and/or bed and breakfast that has been taken out. He added that we are going to add Bed and Breakfast Inn as a conditional use under C-H. He stated that under O-I Hotel will move from a conditional use to a permitted use, and the reason why I am doing that is if you go the very back page under C-C; hotel and/or motel was a conditional use under O-I and the conditions were: a minimum 30 foot buffer, plus the required setbacks shall separate all buildings in use areas from residential A-R zoning, off street parking may be allowed in the setback areas. He said that is already allowed, the buffer in O-I is 30 feet, and that plus the setbacks separate everything; off street parking may be allowed in the setbacks so we don't need it. He added that he is moving hotel up to a permitted use in O-I and bed and breakfast inn will stay as a conditional use. He stated that under Section 110-169 there are your specifications for a Bed and Breakfast in A-R. He said that he doesn't think he has changed anything. He read the ordinance:

1. Minimum lot size: ten (10) acres.
2. The bed and breakfast inn shall be limited to no more than five guest rooms and no more than 10 occupants. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.

He said that the Health Department and the Fire Marshal may set a lower number of guestrooms and a lower number of guests based on the structure.

Chairman Graw asked if the five (5) bedrooms applied to the people that own the

home.

Pete Frisina replied no, that's not a guestroom.

Chairman Graw stated that the 10 occupants will be the guest.

Pete Frisina replied yes. He continues to read the ordinance:

3. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
4. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the County Engineer.
5. These facilities shall meet the requirements of the County Code, Article VI. Tourist Accommodations.
6. Adequate off-street parking shall be required. A prepared surface is not required for the parking areas. Parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.

He stated that six (6) was put in by Environmental Management. He said that we have another conditional use for the Bed and Breakfast that is going to be allowed in C-H and O-I. He read that ordinance:

1. The bed and breakfast inn shall be limited to no more than 10 guest rooms. Maximum permitted capacity shall be set by the Fayette County Health Department and/or Fayette County Fire Marshal, as applicable.
2. The operator of the bed and breakfast inn shall be a full-time resident of the structure in which the bed and breakfast inn is housed.
3. These facilities shall meet the requirements of the County Code, Article VI. Tourist Accommodations

He said that he spoke to the lady and that she is still interested in doing it. He added that he told her that we were still working on it and it will probably be next year before we get to a Public Hearing.

Arnold Martin asked where does the concept of these Airbnb's fall within this or something else.

Pete Frisina replied that it's under the tourist accommodations regulations; we don't really have zoning regulations for those we handle those through the tourist accommodation ordinance. He stated that what you find for Airbnb's and vacation rentals; someone makes their entire house available for someone to rent so that other ordinance handles that. He said that's not a zoning issue.

Arnold Martin stated that sometimes people might say they are running a hotel out of this place.

Pete Frisina stated that it is allowed under the tourist accommodations code section.

Al Gilbert asked where we came up with 10 acres, because online most bed and breakfasts are sitting right in residential areas. He stated that it's not like putting a hotel or motel in; you're putting in a house in that in most cases will have two (2) or three (3) cars in the driveway. He said that it won't be a wild party group there because that's not the way a bed and breakfast is set up.

Pete Frisina replied that he originally recommended five (5) but you guys wanted ten (10).

Al Gilbert stated that he thinks that's going against what you normally see for a bed and breakfast because if you go and look they're not located on those types of lots.

Pete Frisina replied you tell me. He stated that they wanted it on the larger lots so they wouldn't proliferate.

Al Gilbert stated that five (5) acres to him was a large lot.

Arnold Martin stated that its basically a minimum down in Brooks where there minimum acreage is five (5) acres.

Al Gilbert stated that you have a bed and breakfast down in Senoia sitting in the middle of a residential area and if you look at most bed and breakfasts that's where they are. He said that he knows that is a City and that is not what we are talking about, but going from a City with a half-acre or a quarter of an acre lot to going in the County and having to have 10 acres seems excessive.

Arnold Martin agreed with Al Gilbert.

Chairman Graw stated that he believes they talked about the proliferation of these in a smaller area. He said if you make them five (5) acre lots you can have three (3) or four (4) of these things on 20 acres. He added that these could be in a residential area that are not bed and breakfasts and that was the reason for them looking at 10 acres.

Al Gilbert stated that most bed and breakfasts are in residential areas.

Chairman Graw stated that you will have a lot of people going in and out and coming into these things.

Brian Haren stated that when we discussed this one (1) of the big factors they talked about was the impact on the neighbors. He said as lovely and as pastoral as we like to think of bed and breakfast could be and should be; I still don't want to live across from one (1). He added that part of this was to offer some protection to the property owners around it so every other house on the street is not turned into a bed and breakfast.

Al Gilbert stated that on five (5) acres you're not going to have that problem, but on one (1) acre you would.

Brian Haren stated if someone wanted to create a bed and breakfast on a smaller lot then maybe they should go to one (1) of the incorporated cities and do it there, but this is the County and we are trying to retain some sense of a pastoral experience. He said that he is still a supporter of 10 acres.

Chairman Graw agreed with Brian Haren.

Al Gilbert stated that he stills thinks it's a little excessive. He said that it was overkill.

Pete Frisina stated that he doesn't have a problem with it.

Arnold Martin asked if we have anything to compare it to, such as other counties.

Pete Frisian replied that he has a hard time finding anybody that does what we do.

Chairman Graw asked where we go from here.

Pete Frisina replied that he has to wait on the Mr. Davenport to finish his review of those older ordinances.

Chairman Graw stated that once he does that this will go to Public Hearing.

Pete Frisina replied yes. He reiterated that he wanted to make sure that Mr. Davenport was good with what he did to those other sections. He stated that this won't be going to Public Hearing until next year.

Chairman Graw asked if everyone was okay with what is written on these two (2) pages.

Planning Commission agreed they were okay.

Al Gilbert asked if we had something for next month.

Pete Frisina replied yes and that he would pass out the packets once they're done.

Arnold Martin stated that he wanted to wish Dennis Dutton the best on his new job. Planning Commission agreed.

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Brian Haren made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 8:08 pm.

PLANNING COMMISSION OF  
FAYETTE COUNTY

  
JIM GRAW, CHAIRMAN

ATTEST:

  
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